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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,105	01/23/2004	Cong Thanh Dinh	577-614	7912
23869	7590	05/27/2004	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/764,105

**Applicant(s)**

DINH, CONG THANH

**Examiner**

DHIRU R PATEL

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0504.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: SKETCH A

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### **Part III DETAILED ACTION**

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, first and second opposite ends recited in claim 1, and a first wall and a second wall recited in claim m 9 must be shown or the feature(s) canceled from the claim(s). The examiner suggest showing reference number for first and second opposite ends and a first wall and a second wall. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

#### ***Claim Objections***

3. Claims 6-7 are objected to because of the following informalities:

In claim 6 line 7, " one said rim" should be " one of said rims" instead for improved clarity.

In claim 6 line 8, " the other said rim" should be " the other of said rims" instead for improved clarity.

Appropriate correction is required.

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***Specification***

4. The disclosure is objected to because of the following informalities: the reference characters must be properly applied, no single reference character being used for two different parts or for a given part and a modification of such part. Such as in the specification on page 6 line 2, " flange 44" while on same page line 3, "flange 14" and line 13 "flange 10". Applicant is responsible for providing separate reference number for each part disclosed in the specification. See MPEP § 608.01 (g) .

**Applicant is responsible for reviewing the entire specification for each reference number and revise as required.**

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 6-8, " said flange extending from said perimetrical wall at a location non-equidistance between said opposed open ends " is unclear because the inventor has failed to provide element number for first end and a second end. The examiner interpreted as " said flange extending from said perimetrical wall at a location non-equidistance between said first end and said second end.

In claim 1 lines 7-8, "said opposed open ends " lacks antecedent basis.

In claim 5 line 2, " said box interior" lacks antecedent basis.

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In claim 7 line 1, "said first and second" is confusing because said first and second of what?.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1- 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by McNab (4,927,039).

McNab discloses :

Regarding claim 1, a reversible bracket (see sketch A) for supporting an electrical termination component, said bracket comprising:

a bounded access member 12 (see fig 5) having first and second opposite ends (see fig 5) and a perimetrical wall therebetween defining an interior passageway therethrough (see fig 5) for supporting said termination component therein; and an attachment flange 14 extending outwardly from said perimetrical wall (see fig 5, column 2 lines 50-60), said flange extending from said perimetrical wall at a location non-equidistance between said open ends of said bounded access member (see sketch A).

Regarding claim 2, said flange is directly attachable to a wall stud in one of two reversible positions (see figs 3-5, column 3 lines 45-50). It is noted that the assembly of McNab meet the structural limitations.

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Regarding claim 3, said bracket is attachable to an open face of an electrical outlet box 10 (see fig 5).

Regarding claim 4, said flange is attachable to said box about said open face (see fig 5).

Regarding claim 5, said perimetrical wall of said access member extends into said box interior (see fig s 3-4).

Regarding claims 6-7, reversible bracket (see sketch A) for attachment to an open front face of an outlet box 10 comprising (see fig 5):

a planar flange 14 having opposed surfaces having a first position with one of said opposed surfaces being attachable to said open front face of said box (see fig 5 and sketch A) and a reversible second position with the other of said opposed surfaces being attachable to said open front face of said box (see figs 3-5 and sketch A); and a bounded access member 12 extending through said flange (see fig 5), said access member having an opening extending through said flange between opposite extending rims 23, 25 of said access member (see fig 5), one of said rims 23 being located a first distance from said open front face of said box when said flange is in said first position (see fig 5), and the other of said rims 25 being located at a second distance from said open front face of said box when said flange is in said reversible second position (see fig 5), and said first distance being different from and said second distance (see fig 5). With respect to claim 7, It is noted that the assembly of McNab meet the structural limitations.

Regarding claim 8, a bracket (see sketch A) for attachment to an electrical outlet box 10 having a back wall, a side wall upstanding from and perimetrically bounding said back wall so

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as to define a box interior and an open face opposite said back wall (see fig 5), said bracket comprising: a generally planar flange 14 (see fig 5) positionable on an upper edge of said side wall (see fig 5) for spanning said open face of said box, said planar flange having an opening therethrough (see fig 5) for accessing said box interior, said opening being bounded by a first extending wall 17 (see fig 5), said first extending wall extending a first distance and in a first direction from said planar flange and a second extending wall 12 extending a second distance and in a second direction from said planar flange (see fig 5), said first distance being different from said second distance (see fig 5) and said first direction being opposite said second direction (see fig 5).

Regarding claim 9, as best understood, said first distance approximates the thickness of a first wall board and said second distance approximates the thickness of a second wall board of different thickness (see fig 5).

Regarding claim 10, one of said first and second extending walls is positioned to extend into said box interior (see figs 3-4).

Assembly of the device of McNab comprises the method steps of:

Regarding claims 11-12, a method of attaching an electrical outlet box, having a box interior and an open front face, to a stud (see column 3 lines 45-50) comprising the step of:

providing a bracket (see sketch A) having a generally planar flange 14 and an opening therethrough (see fig 5), said opening being bounded by a first extending wall 17 (see fig 5) extending from said flange a first direction, and a second extending wall 12 extending from said flange a second distance in a second opposite direction (see fig 5), and first distance being different from said second distance (see fig 5); attaching said bracket to said electrical

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outlet box over said open front face with one of said first or second extending walls extending into said box interior (see figs 3-4); and attaching said box to said stud such that said other of said first or second extending wall extends outwardly from said face of said stud (see column 3 lines 45-50). With respect to claim 12, it is noted that the assembly of McNab meet the structural limitations.

***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel  
Primary Examiner  
Group Art Unit 2831  
May 24, 2004

*Dhiru R Patel*  
*Primary Examiner*  
*5/24/04.*